



CITY COUNCIL  
ATLANTA, GEORGIA

Municipal Clerk  
Atlanta, Georgia

04-0 -1842

**AN AMENDED ORDINANCE  
BY ZONING COMMITTEE**

U-04-23

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-08.005 (1)(f) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Personal Care Home (Assisted Living with Nursing Home Component) is hereby approved. Said use is granted to Isakonson/Barnhart Development Co.,LLC and is to be located at 228 Peachtree Hills Avenue, N.E. and 2289 Virginia Place, N.E. and 2254 Virginia Place, N.E. , to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 102 of the 17th District, County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

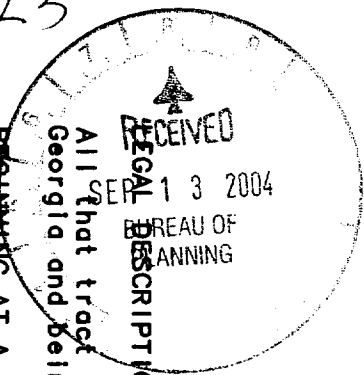
A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED** as amended by Council  
**APPROVED** by the Mayor

March 21, 2005  
March 25, 2005

0-04-23



All that tract or parcel of land lying in Land Lot 102, 17th District, Fulton County, Georgia and being more particularly described as follows:

**LEGAL DESCRIPTION TRACT #1**

**BEGINNING AT A POINT**, said point being a 1/2 inch reinforcing rod found at the intersection of the easterly line of Land Lot 102 with the northerly margin of the right-of-way of Peachtree Hills Avenue (60 foot right-of-way); Thence running along the northerly margin of the right-of-way of Peachtree Hills Avenue North 89 degrees 51 minutes 47 seconds West, a distance of 791.82 feet to a 1/2 inch reinforcing rod found at the intersection of the easterly margin of Virginia Place (50 foot right-of-way) with the northerly margin of Peachtree Hills Avenue; Thence running along the easterly margin of the right-of-way of Virginia Place along a curve to the left an arc distance of 228.06 feet (said arc being subtended by a chord bearing of North 07 degrees 22 minutes 41 seconds East, a chord distance of 225.96 feet and having a radius of 484.00 feet) to a 3/8 inch reinforcing rod found at the apparent centerline of the former Junction Avenue; Thence running along the apparent centerline of the former Junction Avenue the following courses and distances: North 89 degrees 44 minutes 17 seconds East, a distance of 333.97 feet to a 1/2 inch open top pipe found; Thence South 89 degrees 38 minutes 44 seconds East, a distance of 60.42 feet to a 1/2 inch reinforcing rod found; Thence South 89 degrees 45 minutes 38 seconds East, a distance of 373.06 feet to a fence post found on the easterly line of Land Lot 102; Thence running along the easterly line of Land Lot 102, South 01 degrees 10 minutes 35 seconds West, a distance of 225.62 feet to a 1/2 inch reinforcing rod found and the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 3.992 Acres.

**Franoister Associates, Inc.**  
 Engineering & Development Consultants  
 Planners Engineers Landscape Architects

275 VILLAGE PARKWAY  
 MARIETTA, GA 30067  
 770-955-2421

**LEGAL DESCRIPTION TRACT II**

DRAWN BY	APR
CHECKED BY	J
DATE	07-08-04
SCALE	NONE
JOB NO.	03063
CAD FILE	3063LEGAL
PLOT DATE	07-08-04

**PARK SPRINGS II**

L.L. 102, 17th DISTRICT, FULTON COUNTY, GEORGIA

Isakson Barnhart  
 25 Technology Parkway South #201  
 Norcross, Georgia 30092  
 770-417-1788

RECEIVED

SEP 13 2004

BUREAU OF  
PLANNING

LEGAL DESCRIPTION TRACT II

All that tract or parcel of land lying in Land Lot 102, 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING AT A POINT, said point being an iron pin set at the intersection of the easterly line of Land Lot 102 with the southerly margin of the right-of-way of Peachtree Hills Avenue (60 foot right-of-way): Thence running along the easterly line of Land Lot 102, South 00 degrees 22 minutes 53 seconds West, a distance of 860.25 feet to a 1 inch open top pipe found; Thence leaving said easterly line of Land Lot 102 and running South 61 degrees 06 minutes 04 seconds West, a distance of 476.59 feet to an iron pin set; Thence North 79 degrees 32 minutes 00 seconds West, a distance of 213.25 feet to a 1 inch open top pipe found; Thence North 51 degrees 52 minutes 55 seconds East, a distance of 119.88 feet to an iron pin set on the southerly margin of Kinsey Court (50 foot right-of-way); Thence running along the margin of the right-of-way of Kinsey Court along a curve to the left an arc distance of 141.61 feet (said arc being subtended by a chord bearing of South 88 degrees 14 minutes 40 seconds East, a chord distance of 110.96 feet and having a radius of 60.00 feet) to an iron pin set; Thence leaving said Kinsey Court and running North 82 degrees 55 minutes 12 seconds East, a distance of 152.57 feet to an iron pin set; Thence North 01 degrees 12 minutes 39 seconds East, a distance of 122.90 feet to an iron pin set; Thence North 55 degrees 23 minutes 58 seconds West, a distance of 249.17 feet to a 5/8 inch reinforcing rod found; Thence South 88 degrees 11 minutes 18 seconds West, a distance of 31.87 feet to a 5/8 inch reinforcing rod found; Thence North 89 degrees 32 minutes 54 seconds West, a distance of 105.88 feet to a 1/2 inch reinforcing rod found; Thence North 89 degrees 42 minutes 19 seconds West, a distance of 228.96 feet to a 1/2 inch crimp top pipe found; Thence South 89 degrees 30 minutes 03 seconds West, a distance of 74.78 feet to a 1/2 inch open top pipe found on the easterly margin of the right-of-way of Virginia Place (50 foot right-of-way); Thence running along the easterly margin of the right-of-way of Virginia Place the following courses and distances: North 00 degrees 40 minutes 50 seconds East, a distance of 602.18 feet to an iron pin set; Thence along a curve to the right an arc distance of 157.96 feet (said arc being subtended by a chord bearing of North 45 degrees 29 minutes 27 seconds East, a chord distance of 142.35 feet and having a radius of 101.00 feet) to an iron pin set at the intersection of the southeasterly margin of Virginia Place with the southerly margin of the right-of-way of Peachtree Hills Avenue; Thence running along the southerly margin of the right-of-way of Peachtree Hills Avenue, South 89 degrees 42 minutes 04 seconds East, a distance of 811.37 feet to an iron pin set on the easterly line of Land Lot 102 and the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 16.992 acres.

**Isakson Barnhart**  
Associates, inc.  
Engineers & Development Consultants  
275 VILLAGE PARKWAY  
MARIETTA, GA 30067  
770-955-2421

LEGAL DESCRIPTION

TRACT I

DRAWN BY  
APR

CHECKED BY  
JL

DATE  
07-08-04

SCALE  
NONE

JOB NO.  
03063

CAD FILE  
3063LEGAL

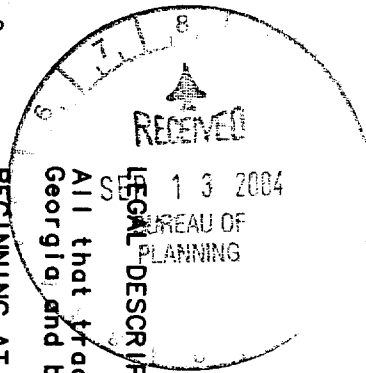
PLOT DATE  
07-08-04

PARK SPRINGS II

L.L. 102, 17th DISTRICT, FULTON COUNTY, GEORGIA

Isakson Barnhart  
25 Technology Parkway South #201  
Norcross, Georgia 30092  
770-417-1788

V-04-23



**LEGAL DESCRIPTION TRACT III**

All that tract or parcel of land lying in Land Lot 102, 17th District, Fulton County, Georgia, and being more particularly described as follows:

**BEGINNING AT A POINT**, said point being a 1 inch crimp top pipe found at the intersection of the southerly margin of the right-of-way of Peachtree Hills Avenue (60 foot right-of-way) with the westerly margin of the right-of-way of Virginia Place (50 foot right-of-way); Thence running along the westerly margin of the right-of-way of Virginia Place, South 00 degrees 32 minutes 50 seconds West, a distance of 498.24 feet to a 1/2 inch open top pipe found; Thence leaving said margin of the right-of-way of Virginia Place and running North 89 degrees 26 minutes 21 seconds West, a distance of 199.43 feet to an iron pin set; Thence North 00 degrees 25 minutes 25 seconds East, a distance of 60.00 feet to a 3/8 inch reinforcing rod found; Thence North 88 degrees 07 minutes 34 seconds West, a distance of 4.90 feet to a 3/8 reinforcing rod found; Thence North 00 degrees 00 minutes 02 seconds East, a distance of 172.18 feet to a 1 inch open top pipe found; Thence North 01 degrees 37 minutes 52 seconds East, a distance of 61.10 feet to a 1 inch open top pipe found; Thence North 00 degrees 40 minutes 55 seconds East, a distance of 59.91 feet to a 1 inch open top pipe found; Thence North 01 degrees 10 minutes 03 seconds East, a distance of 102.48 feet to a 5/8 inch shaft found; Thence North 01 degrees 47 minutes 16 seconds West, a distance of 42.31 feet to a 1 inch open top pipe found on the southerly margin of the right-of-way of Peachtree Hills Avenue; Thence running along the southerly margin of the right-of-way of Peachtree Hills Avenue, South 89 degrees 29 minutes 57 seconds East, a distance of 205.42 feet to a 1 inch crimp top pipe found at the intersection of the southerly margin of the right-of-way of Peachtree Hills Avenue with the westerly margin of the right-of-way of Virginia Place and the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 2.336 acres.

**JF Associates, Inc.**  
 Engineering & Development Consultants  
 Planners Engineers Landscape Architects  
 275 VILLAGE PARKWAY  
 MARIETTA, GA 30067  
 770-866-2421

**LEGAL DESCRIPTION TRACT III**

DRAWN BY	APR
CHECKED BY	J
DATE	07-08-04
SCALE	NONE
JOB NO.	03063
CAD FILE	3063LEGAL
PLOT DATE	07-08-04

**PARK SPRINGS II**

L.L. 102, 17th DISTRICT, FULTON COUNTY, GEORGIA

Isakson Barnhart  
 25 Technology Parkway South #201  
 Norcross, Georgia 30092  
 770-417-1788



**Conditions for U-04-23**  
**For**  
**228 Peachtree Hills Avenue, N.E.**  
**2289 Virginia Place, N.E.**  
**2254 Virginia Place, N.E.**

1. Conditioned on site plan titled "Peachtree Hills Apartments Redevelopment Plan", dated December 7, 2004 and marked received by the Bureau of Planning on January 22, 2005.
2. The park on the corner of Virginia and Peachtree Hills Avenue, the three Parks along the north side of Peachtree Hills Avenue and the Nature Trail located in the conversation easement area are intended for public use.
3. All utilities on site shall be underground. Public utilities in the R/W may be above ground.
4. The Health Care building shall be limited to 36 units (36 beds).
5. Activities in the conversation easement area shall be limited to walking trails, viewing decks on patios, fencing, and related amenities and certain storm and/or sanitary sewer lines, detention areas, and other utilities in connection with the initial construction of the CCRC that may need to be located in such area as is reasonably necessary for construction and operation of the CCRC.
6. Independent living units per tract shall be limited to the numbers shown on the legend of this plan.
7. Building heights shall be limited to that shown on this plan. All building heights are from finished grade on at least one side with parking below except Tract II which may require parking at or partially below finished grade.
8. The Owner shall provide a community bulletin board kiosk in the park on the corner of Virginia Place and Peachtree Hills Avenue.
9. No walls or fences shall be constructed along the right-of-way except at points of entry for architectural and signage purposes. Gates may be permitted at the rear drive on parcel I and entry drives for parcels II and III as well as all parking area points of entry behind and under permitted. Fencing for mutual privacy or security along off street property lines may be permitted. The nature trail may be gated to allow it to close at dark in deemed necessary for safety and security.



RCS# 6568  
3/21/05  
2:41 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-1640,Z-04-93 04-O-1841,Z-04-109/  
04-O-1843,Z-04-110 04-O-1842,U-04-23  
ADOPT AS AMEND

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	E Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

MULTIPLE

04-0-1842  
(Do Not Write Above This Line)

AN ORDINANCE U-04-23  
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a Personal Care Home (Assisted Living with Nursing Home Component) (Section 16-08.005 (1)(d), property located at Tract 1, 228 Peachtree Hills Avenue, N.E., fronting 791.82 feet on the north side of Peachtree Hills Avenue beginning at the northeast corner of Virginia Place; Tract 2, 2285 Virginia Place, N.E., fronting 602.18 feet on the east side of Virginia Place beginning at the southeast corner of Peachtree Hills Avenue; Tract 3, 2254 Virginia Place, N.E., fronting 498.24 feet on the west side of Virginia Place beginning at the southwest corner of Peachtree Hills Avenue. Depth: varies; Area: 23.32 acres (all Tracts combined); Land Lot 102, 1<sup>st</sup> District, Fulton County, Georgia.

OWNER: PEACHTREE HILLS APARTMENT CORP.  
APPLICANT: ISAKSON/BARNHART DEVELOPMENT CO., LLC  
BY: LARRY M. DINGLE, ESQ.  
NPU-B COUNCIL DISTRICT 7

AS AMENDED

- ☐ CONSENT REFER  
☒ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 10-18-2004

Referred To: ZRB & Zoning

Date Referred ADOPTED BY

Referred To:

Date Referred MAR 21 2005

Referred To:

COUNCIL

First Reading  
Committee Date  
Chair  
Referred To

Zoning

Date 10-16-2005

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other

Other

Members

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAR 21 2005

MAYOR'S ACTION

*Paula Stearns*